

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Adoption of a Resolution and Approval of a Subordination Agreement Between Seminole County and the City of Sanford to Facilitate Construction of an Entrance Streetscape Within a Traffic Signal Pole Easement Located on the Corner of North French Avenue (US Highway 17/92) and First Street

DEPARTMENT: Public Works

DIVISION: Engineering

AUTHORIZED BY: Gary Johnson

CONTACT: Warren Lewis

EXT: 5658

MOTION/RECOMMENDATION:

Adoption of a Resolution authorizing the Chairman to execute a Subordination Agreement between Seminole County and the City of Sanford to facilitate construction of an Entrance Streetscape within a Traffic Signal Pole Easement located on the corner of North French Avenue (US Highway 17/92) and First Street .

District 5 Brenda Carey

Jerry McCollum

BACKGROUND:

Representatives from the City of Sanford have contacted Seminole County staff regarding their desire to construct an Entrance Streetscape within a Traffic Signal Pole Easement (depicted in the exhibits attached to the Subordination Agreement) on the corner of North French Avenue (US Highway 17/92) and First Street.

Per the terms of the Corrective Traffic Signal Pole Easement dated April 24, 1989, and recorded in Official Records Book 2070, Page 1406, Public Records, Seminole County maintains the right to install, operate and maintain the traffic signal device and pole within the property described in the easement. This Subordination Agreement will facilitate construction of an Entrance Streetscape by the City of Sanford.

STAFF RECOMMENDATION:

Staff recommends the Board adopt a Resolution authorizing the Chairman to execute a Subordination Agreement between Seminole County and the City of Sanford to facilitate construction of an Entrance Streetscape within a Traffic Signal Pole Easement located on the corner of North French Avenue (US Highway 17/92) and First Street.

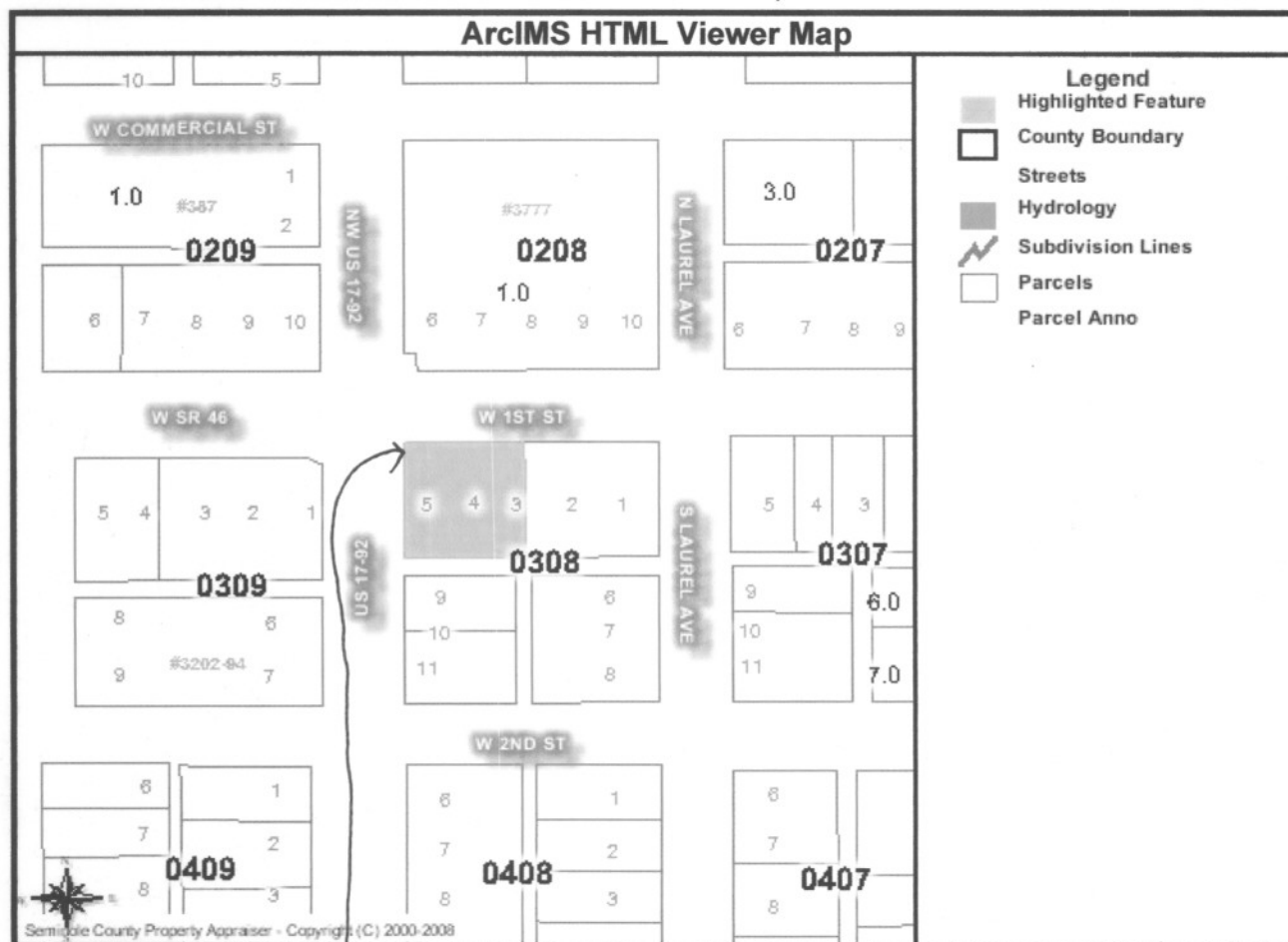
ATTACHMENTS:

1. Location Map - Subordinaton - Sanford
2. Resolution - Subordination - Sanford
3. Subordination Agreement-City of Sanford

Additionally Reviewed By:

☒ County Attorney Review (Matthew Minter)

Location Map



RESOLUTION NO.2008-R-_____

RESOLUTION

**THE FOLLOWING RESOLUTION WAS ADOPTED AT THE
REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON
THE _____ DAY OF _____, 2008.**

WHEREAS, the City of Sanford proposes to construct an entrance streetscape and wall at the intersection of First Street and U.S. 17-92, located in Section 25, Township 19 South, Range 30 East, in Seminole County, Florida; and

WHEREAS, it is necessary that certain traffic signal pole easement interest rights now currently owned by the County of Seminole be subordinate to the rights of the City of Sanford; and

WHEREAS, said traffic signal pole easement lands are wholly within the municipal boundaries of the City of Sanford; and

WHEREAS, the City of Sanford has made application to said County to execute and deliver to the City of Sanford a Subordination Agreement of the County traffic signal pole easement interests, subordinating the rights that the County has in and to the lands required for transportation purposes and said request having been duly considered; and

WHEREAS, the execution of said Subordination Agreement by the Board of County Commissioners will not impede the rights of the County to maintain the said traffic signal pole easement.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida that the application of the City of Sanford for a Subordination of County traffic signal pole easement interest is in the public or community interest and for public welfare; that a Subordination of County traffic signal pole easement interest in favor of the City of Sanford has been drawn and executed by this Board of County Commissioners.

ADOPTED THIS _____ DAY OF _____, 2008.

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

ATTEST:

, Chairman

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

Prepared under the direction of:
Charles F. Barcus
Program Manager, Right-of-Way
November 4, 2008

Prepared by and return to:

Kenneth W. McIntosh, Assistant City Attorney
Stenstrom, McIntosh, Colbert, et al.
1001 Heathrow Park Lane, Suite 4001
Lake Mary, Florida 32746

SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT is entered into on this _____ day of _____, 2008, by the COUNTY OF SEMINOLE, a political subdivision of the State Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771 (hereinafter referred to as "SEMINOLE COUNTY"/"GRANTOR") in favor of the CITY OF SANFORD, a Florida municipal corporation, whose address is 300 North Park Avenue, Sanford, Florida 32771, (hereinafter referred to as the "CITY"/"GRANTEE").

WITNESSETH:

WHEREAS, SEMINOLE COUNTY is the grantee under that certain Corrective Traffic Signal Pole Easement dated April 24, 1989 and recorded in Official Records Book 2070, Page 1406, Public Records of Seminole County, Florida (the "Traffic Signal Pole Easement"); and

WHEREAS, pursuant to the terms of the Traffic Signal Pole Easement, SEMINOLE COUNTY maintains the right to install, operate and maintain the traffic signal device and pole within the property described in the Traffic Signal Pole Easement (the SEMINOLE COUNTY Easement Rights); and

WHEREAS, The CITY intends to construct an Entrance Streetscape within the easement depicted on Exhibit A, pages 1 through 2 attached hereto and made a part

hereof by this reference; and

WHEREAS, the Streetscape Easement includes within its boundary a portion of the Traffic Signal Pole Easement of Seminole County as depicted and described in Exhibit B, pages 1 through 2 attached hereto and made a part hereof by this reference; and

WHEREAS, SEMINOLE COUNTY has agreed to subordinate its Easement Rights to the CITY in the portion of the Traffic Signal Pole Easement described in Exhibit B so that the CITY may construct, maintain, and operate the Streetscape contemplated herein.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, SEMINOLE COUNTY does hereby subordinate the SEMINOLE COUNTY Easement Rights to the CITY and waives the priority of the Traffic Signal Pole Easement.

Maintenance. Notwithstanding the foregoing, SEMINOLE COUNTY shall have the right to continue to operate, maintain, improve, upgrade, remove and/or relocate the traffic control device(s)/pole(s) within the property described in the Traffic Signal Pole Easement, less the portion subordinated to the CITY as described in Exhibit B. Any new construction or relocation of the traffic control device(s)/poles(s) within the property described in the Traffic Signal Pole Easement shall be at SEMINOLE COUNTY's expense. If any new construction or relocation by COUNTY affects the subordination portion described in Exhibit B, COUNTY shall obtain prior approval of the City. The CITY does not currently nor does it anticipate requiring relocation of the existing traffic control devices(s)/pole for the construction in the Streetscape Easement. In the event any future relocations are requested by CITY, separate Agreements/Easements will address such future relocations.

In addition, SEMINOLE COUNTY shall have the right to enter upon the property described in Exhibit B for all purposes granted therein, including the right to trim such trees, bushes and landscaping growth which might endanger or interfere with the traffic control device(s)/pole(s), provided such rights do not interfere with the operation and safety of the CITY's Streetscape facilities.

Entire Agreement/Effect on Prior Agreement. This instrument constitutes the entire agreement between the parties and supersedes all previous discussions, understandings and agreements between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions herein shall be made by the parties in writing by formal amendment.

IN WITNESS WHEREOF, the parties hereto have hereunder executed this Agreement on the date and year first above written.

ATTEST:

GRANTOR:
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MaryAnne Morse, Clerk

Chairman

For the use and reliance of Seminole County only.

Approved as to form and legal sufficiency.

Date

As authorized for execution by the Board of County Commissioners at their _____, 2008 regular meeting

County Attorney

Approved as to form and legal
sufficiency.

County Attorney

ATTEST:

GRANTEE:
CITY OF SANFORD

Janet R. Dougherty, City Clerk

Linda Kuhn, Mayor

Date

SKETCH AND DESCRIPTION STREETSCAPE EASEMENT

EXHIBIT A, PAGE 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, ALSO BEING A PORTION OF LOTS 4 AND 5, BLOCK 3, TIER 8, FLORIDA LAND AND COLONIZATION COMPANY LIMITED E.R. TRAFFORDS MAP OF THE TOWN OF SANFORD, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 56 THROUGH 64 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 5, BLOCK 3, TIER 8, FLORIDA LAND AND COLONIZATION COMPANY LIMITED E.R. TRAFFORDS MAP OF THE TOWN OF SANFORD, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 56 THROUGH 64 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, ALSO BEING THE NORTHWEST CORNER OF A CORRECTIVE TRAFFIC SIGNAL POLE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2070, PAGES 1406 THROUGH 1408, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN NORTH 89°43'13" EAST ALONG THE NORTH LINE OF SAID LOTS 4 AND 5, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 1ST STREET AND THE NORTH LINE OF THE SAID CORRECTIVE TRAFFIC SIGNAL POLE EASEMENT, FOR A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°43'13" EAST ALONG THE SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 64.50 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN SOUTH 00°14'05" EAST FOR A DISTANCE OF 10.00 FEET; THENCE RUN SOUTH 89°43'13" WEST FOR A DISTANCE OF 59.50 FEET; THENCE RUN SOUTH 00°14'05" EAST FOR A DISTANCE OF 62.00 FEET; THENCE RUN SOUTH 89°43'13" WEST FOR A DISTANCE OF 10.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 5 ALSO BEING THE EAST RIGHT OF WAY LINE OF U.S. 17-92; THENCE RUN NORTH 00°14'05" WEST FOR A DISTANCE OF 62.56 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 44°42'06" EAST FOR A DISTANCE OF 7.08 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID SAID CORRECTIVE TRAFFIC SIGNAL POLE EASEMENT; THENCE RUN NORTH 00°14'05" WEST ALONG THE SAID EAST LINE FOR A DISTANCE OF 4.43 FEET TO THE POINT OF BEGINNING.

SUBJECT PARCEL ENCOMPASSES 1,280 SQUARE FEET OR 0.03 ACRE MORE OR LESS.

ABBREVIATION LEGEND:

(A) - ACTUAL	Δ - DELTA	GOV'T - GOVERNMENT	P.C. - POINT OF CURVATURE	R30E - RANGE 30 EAST
APPROX. - APPROXIMATE	(D) - DEED	IP - IRON PIPE	P.C.C. - POINT OF COMPOUND CURVATURE	R - RADIUS
AVG. - AVERAGE	(DE) - DEED EXCEPTION	IR - IRON ROD	P.C.P. - PERMANENT CONTROL POINT	RAD - RADIAL
(BB) - BEARING BASIS	DEPT. - DEPARTMENT	IR&C - IRON REBAR & CAP	PG. - PAGE	REC - RECOVERED
BLDG. - BUILDING	D/U - DRAINAGE AND UTILITY	L - ARC LENGTH	PGS. - PAGES	REV. - REVISION
B.M. - BENCH MARK	EASEMENT	LB# - LICENSED BUSINESS NUMBER	P.I. - POINT OF INTERSECTION	RP - RADIUS POINT
(C) - CALCULATED	ELEV. - ELEVATION	(M) - MEASURED	P.O.B. - POINT OF BEGINNING	R/W - RIGHT-OF-WAY
C - CHORD	EOP - EDGE OF PAVEMENT	N & D - NAIL AND DISK	P.O.C. - POINT OF COMMENCEMENT	SEC - SECTION
CB - CHORD BEARING	ESMT - EASEMENT	N.R. - NON-RADIAL	P.O.L. - POINT ON LINE	SO - SQUARE
C.C.R. # - CERTIFIED CORNER RECORD NUMBER	FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION	N.S.I. - NO SURVEYOR IDENTIFICATION	PRC - POINT OF REVERSE CURVATURE	SO FT. - SQUARE FEET
C/L - CENTERLINE	F.F. - FINISH FLOOR	N.T. - NON-TANGENT	P.R.M. - PERMANENT REFERENCE MONUMENT	TB - TANGENT BEARING
C.M. - CONCRETE MONUMENT	FND. - FOUND	O.R.B. - OFFICIAL RECORDS BOOK	P.T. - POINT OF TANGENCY	T23S - TOWNSHIP 23 SOUTH
CONC. - CONCRETE	FP&L - FLORIDA POWER AND LIGHT	(P) - PLAT		(TYP) - TYPICAL
COR. - CORNER	(G) - GRID (STATE PLANE)	P.B. - PLAT BOOK		U.E. - UTILITY EASEMENT
				W/ - WITH

SURVEY NOTES:

- "SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- BEARINGS SHOWN HEREON ARE ASSUMED AS BEING N 89°43'13" E ALONG THE NORTH LINE OF BLOCK 3, TIER 8, FLORIDA LAND AND COLONIZATION COMPANY LIMITED E.R. TRAFFORDS MAP OF THE TOWN OF SANFORD, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 56 THROUGH 64 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.
- THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
- THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE, NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
- THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PREPARED TO DEFINE OWNERSHIP.

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon described property is true and correct to the best of my knowledge, information and belief as generated on JUNE 19, 2008. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Chapter 61g17-6 of the Florida Administrative Code.

AUG 27 2008

R. L. Roberts
R. L. ROBERTS, R.L.S.
Professional Surveyor and Mapper
Florida Registration No. 3144

PROJECT NUMBER: S0682
CADD DWG. FILE: S0682_10ESMT_BLK3_T8.DWG

NOT VALID WITHOUT SHEETS 1 AND 2
SHEET 1 OF 2



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Phone: 407.322.6841 Fax: 407.330.0639

REVISION	BY	DATE
SKETCH AND DESCRIPTION	JTF	6/19/08

Certificate of Authorization No. 7143

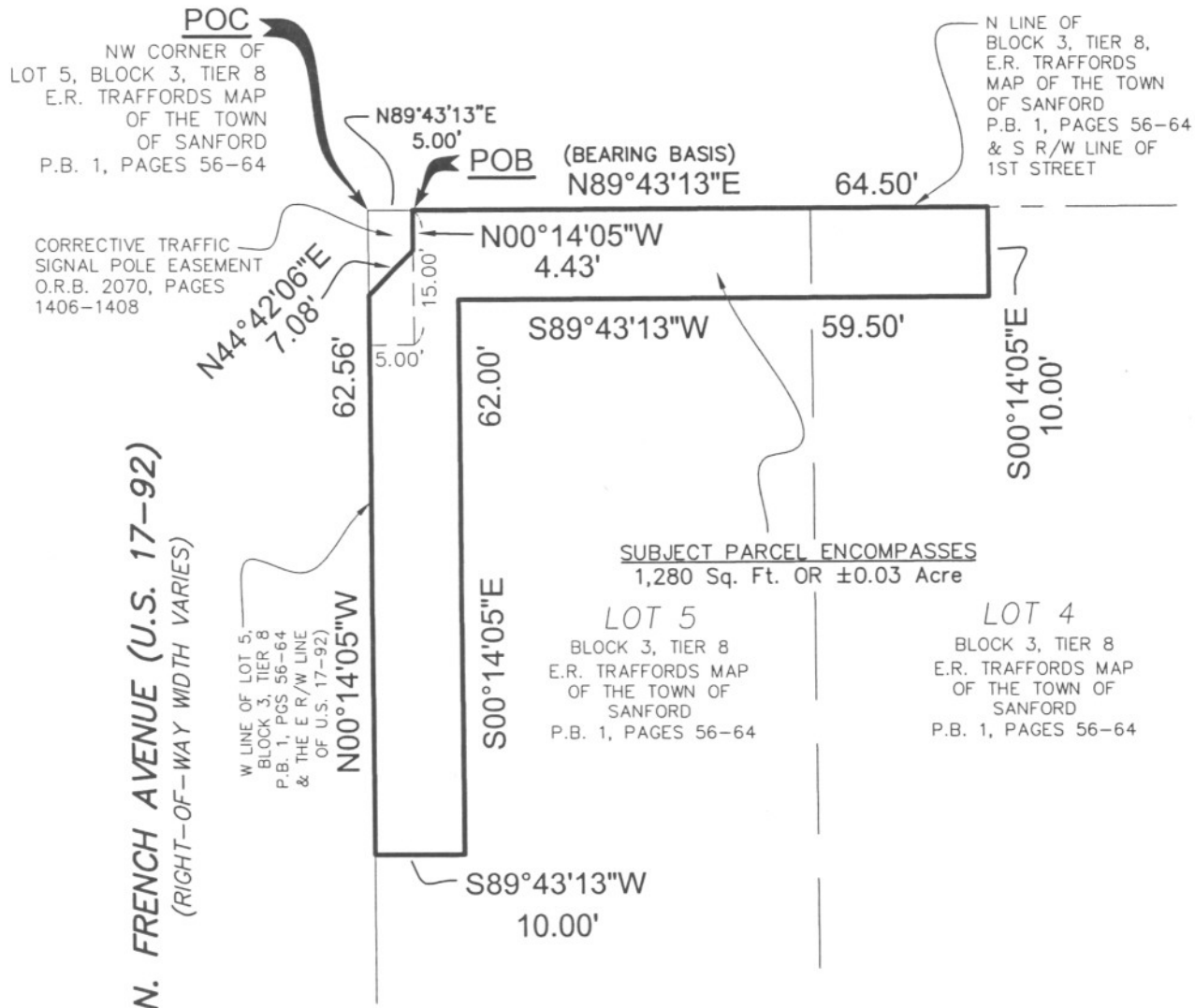
SKETCH AND DESCRIPTION

EXHIBIT A, PAGE 2

STREETSCAPE EASEMENT

1ST STREET

(82.00' RIGHT-OF-WAY)



PROJECT NUMBER: S0682
CADD DWG. FILE: S0682_10ESMT_BLK3_TB.DWG

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SHEET 2 OF 2



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SKETCH AND DESCRIPTION

EXHIBIT B, PAGE 1

LEGAL DESCRIPTION:

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SUBJECT PROPERTY ENCOMPASSES 41 SQUARE FEET.

ABBREVIATION LEGEND:

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Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon described property is true and correct to the best of my knowledge, information and belief as generated on JUNE 11, 2008. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Chapter 619.17-6 of the Florida Administrative Code.

AUG 27 2008

R.L. ROBERTS, R.L.S.
Professional Surveyor and Mapper
Florida Registration No. 6549

PROJECT NUMBER: S0682
CADD DWG. FILE: S0682_SMALL_BLK3_T8.DWG

NOT VALID WITHOUT SHEETS 1 AND 2
SHEET 1 OF 2



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REVISION	BY	DATE
SKETCH AND DESCRIPTION	JTF	6/11/08

Certificate of Authorization No. 7143

SKETCH AND DESCRIPTION

EXHIBIT B, PAGE 2

1ST STREET (82.00' RIGHT-OF-WAY)

POC

NW CORNER OF LOT 5
BLOCK 3, TIER 8
E.R. TRAFFORDS MAP OF
THE TOWN OF SANFORD
P.B. 1, PGS 56-64

5'x15' CORRECTIVE TRAFFIC
SIGNAL POLE EASEMENT
O.R.B. 2070, PGS 1406-1408

N LINE OF BLOCK 3, TIER 8
E.R. TRAFFORDS MAP OF
THE TOWN OF SANFORD
P.B. 1, PGS 56-64

POB

N89°43'13"E (BEARING BASIS)

124.00'

SUBJECT PARCEL ENCOMPASSES
41 SQUARE FEET

SEE DETAIL #1

N. FRENCH AVENUE (U.S. 17-92)
(RIGHT-OF-WAY WIDTH VARIES)

W LINE OF LOT 5,
BLOCK 3, TIER 8
P.B. 1, PGS 56-64

LOT 5
BLOCK 3, TIER 8
E.R. TRAFFORDS MAP
OF THE TOWN OF
SANFORD
P.B. 1, PGS 56-64

LOT 4
BLOCK 3, TIER 8
E.R. TRAFFORDS MAP
OF THE TOWN OF
SANFORD
P.B. 1, PGS 56-64

DETAIL #1
NOT TO SCALE

POC

POB

SW CORNER OF
LANDS DESCRIBED
IN O.R.B. 2070,
PGS 1406-1408

L1
L2
L3
L4
L5

E LINE OF LANDS
DESCRIBED IN
O.R.B. 2070, PGS
1406-1408

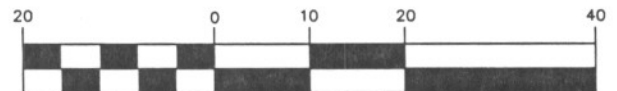
SE CORNER OF LANDS
DESCRIBED IN O.R.B. 2070,
PGS 1406-1408

S LINE OF LANDS
DESCRIBED IN
O.R.B. 2070, PGS
1406-1408

LINE TABLE

LINE	LENGTH	BEARING
L1	9.44'	S00°14'05"E
L2	7.08'	N44°42'06"E
L3	10.57'	S00°14'05"E
L4	5.00'	S89°43'13"W
L5	5.56'	N00°14'05"W

GRAPHIC SCALE



(IN FEET)

1 inch = 20 ft.

PROJECT NUMBER: S0682
CADD DWG. FILE: S0682_SMALL_BLK3_T8.DWG

NOT VALID WITHOUT SHEETS 1 AND 2
SHEET 2 OF 2



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